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Attorney for Plaintiff
THOMAS RICHARD OLSEN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

THOMAS RICHARD OLSEN,
Plaintiff,
v.
Commissioner of Social Security
Defendant.

Case No. 1:24-cv-01415-SKO

**STIPULATION AND UNOPPOSED
MOTION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT;
ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of \$1,794.17, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to

1 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
2 to honor the assignment will depend on whether the fees are subject to any offset
3 allowed under the United States Department of the Treasury's Offset Program. After
4 the order for EAJA fees is entered, the government will determine whether they are
5 subject to any offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
7 determines that Plaintiff does not owe a federal debt, then the government shall cause
8 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel,
9 Francesco Benavides, pursuant to the assignment executed by Plaintiff.

10 Payments may be made by electronic funds transfer (EFT) or by check.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for
12 EAJA attorney fees and does not constitute an admission of liability on the part of
13 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
14 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
15 Francesco Benavides, including the Law Offices of Francesco Benavides, may have
16 relating to EAJA attorney fees in connection with this action.

17 This award is without prejudice to the rights of Francesco Benavides to seek
18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
19 clause provisions of the EAJA.

21 Respectfully submitted,

23 Dated: February 18, 2025

22 Law Offices of Francesco Benavides

25 By: /s/ Francesco Benavides
26 FRANCESCO P. BENAVIDES
27 Attorney for Plaintiff

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3 Dated: February 18, 2025

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MICHELE BECKWITH
Acting United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

7 By: Justin Martin*
8 JUSTIN MARTIN
9 Special Assistant U.S. Attorney
10 Attorneys for Defendant
11 (*Permission to use electronic signature
12 obtained via email on February 18, 2025).

13 **ORDER**

14 Based upon the parties' foregoing Unopposed Motion and Stipulation for the
15 Award and Payment of Equal Access to Justice Act Fees and Expenses (Doc. 16),

16 **IT IS ORDERED** that fees and expenses in the amount of \$1,794.17 as
17 authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded
18 subject to the terms of the Stipulation.

19
20 IT IS SO ORDERED.
21

22 Dated: February 19, 2025

23 /s/ Sheila K. Oberto

24 UNITED STATES MAGISTRATE JUDGE